

Fact Sheet
SB 924 (Beall & Lara)
Civil Statute of Limitations: Childhood Sexual Abuse
Coauthor: Assemblymember Nancy Skinner

BACKGROUND

Intolerable rates of child abuse plague our society, producing more victims with scarred lives every year and more abusers escaping from justice by waiting out the statute of limitations. California must not allow sex abusers to turn the law on its head so they can continue to molest children.

The problem is vast. One in four girls and one in six boys are sexually abused before their 18th birthday. In California, child welfare agencies estimate that 89,000 children were abused or neglected in 2010. Studies show that many more abuses go unreported.

Well documented medical literature demonstrates a high percentage of victims of childhood sexual abuse suffer from post-traumatic stress disorder (PTSD). The disorder can cause memory loss or impairment, especially in childhood sexual abuse victims. The memory loss can seriously effect when the victim is able to report, if ever. Studies show that the victims that do report their abuse do so later in their life when their memories have become clearer and they are emotionally ready to do so, a complex process that may take them well into their 40's and 50's.

PROBLEM

Current law provides two separate statutes of limitations regarding when a victim can file a lawsuit against their abuser, or the entity that aided and abetted the abuse. These statutes allow claims to commence either:

- Eight years after the plaintiff attains the age of majority—age 26.
- Or three years after the date when the plaintiff discovers that the psychological injury or illness occurring after the age of majority was caused by the sexual abuse. This is commonly known as the “Delayed Discovery Rule.”

Prior to filing under the delayed discovery rule, a plaintiff must show they are suffering from injuries that stem from their childhood sexual abuse and

The short window to file under the Delayed Discovery Rule has become a tool relied upon abusers to escape guilt. The defense will often argue the time of discovery was more than three years prior to the victim filing a claim. If successful, the case is thrown out due to the expiration of the statute of limitations. The current rule ignores

the evidence, creating a system that allows procedure to supersede justice. The moment a victim makes their discovery must be codified in statute.

Medical research shows that psychological injuries stemming from sex abuse often emerge well past the age of 26. However, existing law has lapsed into obsolescence, failing to keep pace with proven medical science and fact. The statute of limitations must be extended to make it relevant to California and for the sake of the victims whose lives have been scarred by childhood sexual abuse.

THIS BILL

SB 924 would reform California Code of Civil Procedure 340.1:

- Increase the age to 22 years from the date the plaintiff attains the age of majority—age 40.
- This change would be applied prospectively—moving forward—to both public and private entities.

STATUS/VOTES

Introduced (1/29/14)
Senate Judiciary (5-2)
Senate Appropriations (5-2)

SUPPORT

CA Protective Parents Association
American Association for Marriage and Family Therapy
Crime Victims United California
Child Abuse Listening Mediation (CALM)
CA Police Chiefs Association
Restorative Justice International
Incest Survivors' Speakers Bureau of CA
Child Abuse Prevention Center
Consumer Attorneys of California
National Child Safe Coalition

OPPOSITION

CA Catholic Conference
CSAC Excess Insurance Authority

FOR MORE INFORMATION

Staff Contact:

Kenton Stanhope- (916) 651-4015
kenton.stanhope@sen.ca.gov